

Art Unit: 1626

DETAILED ACTION

Claims 11-20 are pending in the instant application. Claims 1-10 are canceled.

RCE

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 8/30/10 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS), filed on 8/30/10 has been considered. Please refer to Applicant's copy of the 1449 submitted herewith.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Theresa Devlin on 9/9/10.

The application has been amended as follows:

Delete claims 18-19 as nonelected/withdrawn subject matter.

Reasons for Allowance

The present invention is directed to a compound of formula (Ia) or (Ib), wherein X1 and X2 are always a sulfur moiety. The closest prior art of record is US PG PUB NO 2005/0222118A1, now US Pat No. 7,288,537. This patent does not teach or provide the requisite motivation to make the instantly claimed compounds wherein X1 and X2 are always a sulfur moiety. Therefore, Claims 11-17 and 20 directed to the compound of formula (Ia) and (Ib) and the method of making these compounds are allowed.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susannah Chung whose telephone number is (571) 272-6098. The examiner can normally be reached on M-F, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Susannah Chung/
Examiner, Art Unit 1626

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